

## **Megan's Law has been a failure by any measure**

**By Michael Buncher, Esq.**

For the past 15 years the public has been left with a false sense of security. A federally funded study has determined that Megan's Law does not work.

Conducted by independent psychologists along with staff from the state Department of Corrections' Office of Policy and Planning, this comprehensive study looked at 21 years of sex offense rates. It confirms in New Jersey what other studies have found elsewhere. Megan's Law "has no demonstrable effect in reducing sexual re-offenses."

Megan's Law struck out on every important area related to protecting the community from sexual offenders. Not only is there no evidence that it reduces sexual re-offenses, Megan's Law:

- Fails to positively impact sex offender re-arrest rates,
- Fails to change the type of re-offenses or first time offenses that occur, or
- Fails to reduce the number of victims involved in sexual offenses.

As the state agency charged with representing those required to register under Megan's Law, the Public Defender agrees completely with the study's findings and with its ultimate conclusion that "given the lack of demonstrable effect of Megan's Law on sexual offenses, the growing costs may not be justifiable."

What is equally remarkable is that other research cited by the New Jersey study, as well as our own experience, shows that Megan's Law can be "counterproductive" to public safety. Notification laws have been found to isolate offenders from normal relationships, undercut their opportunities for housing and employment, and subject offenders to threats and assaults.

In some instances, the willingness and ability to obtain treatment can be negatively impacted by Megan's Law. As a result of these factors, the study's researchers determined the unintended consequences of Megan's Law may be to increase the risks of recidivism rather than to protect the community.

In the face of overwhelming evidence of the law's ineffectiveness, its advocates now seek to justify its continuance by claiming that its purpose was not to reduce reoffense rates, but was only "designed to provide parents and communities with information" concerning the whereabouts of a sexual offender living in their neighborhood. However, this practice is meaningless unless it brings about the positive result the Legislature clearly intended when the Megan's law was passed -- to reduce "the danger of recidivism posed by sex offenders."

The Legislature's perceived effectiveness of the law served as a cornerstone to its passage. The recent study's findings telling us the law does not reduce sexual re-offenses, and worse, may be counterproductive, require a change in course.

In 2007, New Jersey reportedly spent \$3.9 million with, as the study found, no appreciable benefit to public safety. This money could have been, and now should be, put to much better use by investing it in efforts that will actually protect New Jersey's children.

We agree with several of the report's recommendations calling for sex offender therapy to be provided in state prisons (which does not now occur), affordable treatment for sex offenders living in the community, and effective parole and probationary supervision commensurate with a realistic assessment of an offender's risk level.

Other interventions known to be effective should be emphasized. We know that making a successful transition from prison reduces sex offender re-offense rates. Resources should be used to assist offenders during their pivotal transition back into the community to find non-transient, long-term housing, employment and services to ensure stability. Other factors that actually reduce re-offense levels should be studied and implemented to ensure public safety. This pragmatic approach is crucial to protecting our communities.

We owe the public much more than continuing to rely on a policy that has been proven as accomplishing little else but the creation of a false sense of security.

*Michael Buncher is a Deputy Public Defender in the state Office of the Public Defender in charge of the Special Hearings Unit.*

**This article appeared in The Asbury Park Press on March 1, 2009**